

John Vidurek, Kimberly Vidurek, and James Vidurek;
Plaintiffs

- against -

Steve Douglas, Mike Frost, Kamm Randy, CBE Group Inc.,
N Cassadine, J Melendez, Susan Lamastro, Jeanette Willet,
Frank J Chan, Charles P. Rettig, and Bobbi S Martin;

Defendants

JURISDICTION: Court of Record

Docket No. 7:20-cv-06714

**PLAINTIFFS RESPONSE
TO HEARING REQUEST**

I, John Vidurek, hereinafter plaintiff, in pro per and next friend for plaintiffs' Kimberly Vidurek and James Vidurek above, being of lawful age, qualified and competent to testify to, and having firsthand knowledge of the following facts:

On and for the record, plaintiffs proceed via special appearance¹ under protest because defendants have defaulted and plaintiffs find themselves in jurisdictions unknown whereas, the court refuses to identify the jurisdiction that the plaintiffs have been carried away to.

Furthermore plaintiffs opened a court of record whereas this case is to be a jury trial, but since all defendants defaulted and none of the defendants can show good cause a summary judgement against the defendants is appropriate. The Law requires that the clerk "MUST" enter a default but the judge continues to ignore the Law by blocking a lawful default on all defendants.

As per Rule 55 (a) Entering a Default: When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.

On July 21, 2020, plaintiff filed an Action at Law and on September 18, 2020 served upon defendants; Steve Douglas, Mike Frost, Kamm Randy, and CBE Group Inc. The record shows that defendants Steve Douglas, Mike Frost, Kamm Randy, and CBE Group Inc. made no return, requested no more

¹ A special appearance is for the purpose of testing the jurisdiction of the court; - State v. Huller, 23 N.M. 306, 168 P. 528, 534, 1 A.L.R. 170.

time to answer, and did not provided any objection to the proceedings. Therefore a default judgment as per rule 55(a) and (b) is in order for the relief demanded in the Action at law against said defendants.

As per Rule 55(a) and (b) defendants; Steve Douglas, Mike Frost, Kamm Randy, and CBE Group Inc., (like N Cassadine, J Melendez, Susan Lamastro, Jeanette Willet, Frank J Chan, Charles P. Rettig, and Bobbi S Martin) cannot recover from said defaults because the defendants have not and cannot show good reason for their lack of response. Nor can any of the defendants show any likelihood of a reasonable defense against the merits of the case that can survive a jury trial. Both of which these two points are required in order to survive a default.

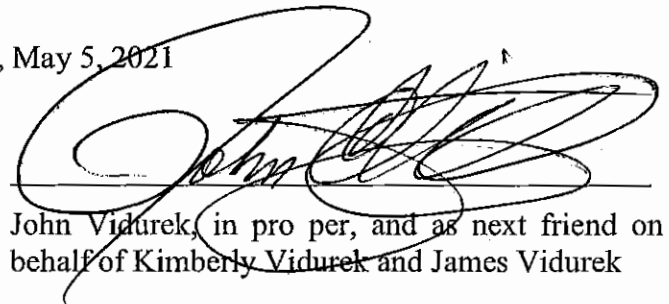
Furthermore, Rule 12 as a defense against the plaintiffs is not available to the defendants because they all defaulted and plaintiffs' filings in this court along with a multitude of supporting documents were clearly defined and detailed. Plaintiffs' merits of the case, in a nut shell, are recapped as follows:

- 1) Plaintiffs stated, with supporting documents that, defendants vindictively created fraudulent extortionate bills, using the USPS to perpetrate said fraud which is a federal crime.
- 2) Plaintiffs stated, with supporting documents that, defendants vindictively and without merit assaulted defendant John's wife and son with fraudulent bills without a "required by Law Proof of Claim IRS form 4490," without which there is no claim!
- 3) Plaintiff John Vidurek is retired and had no liabilities for the year in question.
- 4) Plaintiff Kimberly Vidurek is disabled and never was employed and therefore has no liabilities for any year in question.
- 5) Plaintiffs stated, with supporting documents that, plaintiff James Vidurek started his first "entrance level employment" as a cashier in the year in question. His employer deducted taxes and James filed a return which was fraudulently withheld because of a fraudulent claim by the defendants with "No Proof of Claim IRS form 4490."
- 6) Plaintiffs stated, with supporting documents that, plaintiffs made "numerous" requests for the "Proof of Claim IRS form 4490" which is "required by law" for any agency to bill. Defendants ignored every request and continued with outrageous fraudulent demands.

Seal

New York, Dutchess County, May 5, 2021




John Vidurek, in pro per, and as next friend on
behalf of Kimberly Vidurek and James Vidurek

Attachments:

Affidavit of Default, copy.

IRS Form 4490, required by law to file a claim

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

White Plains, NY 10601

Certified Mail Fee \$3.60
 Extra Services & Fees (check box, add fee to appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00
 Postage \$0.55



**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK**

White Plains, NY 10601 •

United States District Court
 For the Southern District of NY
 300 Quarropas Street
 White Plains, NY. 10601

7019 2970 0000 3685 5972

James Vidurek;
 Plaintiffs

JURISDICTION: Court of Record

Docket No. 7:20-cv-06714

- against -

Steve Douglas CEO, Mike Frost CLO, Randall Kamm
 "Randy" VP, Cbe Group Inc, N Cassadine, J Melendez,
 Susan Lamastro, Jeanette Willet, Frank J Chan, Charles P.
 Rettig, and Bobbi S Martin;

Defendants

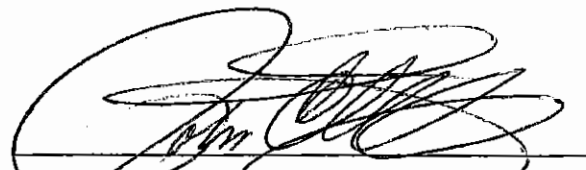
AFFIDAVIT OF DEFAULT

On July 21, 2020, plaintiff filed an Action at Law and on September 18, 2020 served upon defendants; Steve Douglas, Mike Frost, Kamm Randy, and CBE Group Inc. The record shows that defendants Steve Douglas, Mike Frost, Kamm Randy, and CBE Group Inc. made no return, requested no more time to answer, and did not provided any objection to the proceedings. Therefore a default judgment as per rule 55(a) and (b) was filed with the court on March 3, 2021 said defendants filed a paper more than six months after they were served.

WHEREAS: defendants' response did not satisfy rule 55(a) and (b) and therefore as per said law, defendants cannot be heard, they defaulted.

Seal

New York, Dutchess County, March 30, 2021


 John Vidurek, in pro per, and as next friend
 on behalf of Kimberly and James

Proof of Claim for Internal Revenue Taxes

Department of the Treasury/Internal Revenue Service

In the _____ Court
for the _____

In the Matter of:

Form **4490**
(Rev. 2-2005)

Docket Number

Kind of Proceeding

Taxpayer's Identifying Number:

Social Security Number

Employer Identification Number

The undersigned officer of the Internal Revenue Service, a duly authorized agent of the United States in this behalf, being duly sworn, deposes and says that:

1. _____ is justly and truly indebted to the United States in the amount of _____ with interest and penalty as shown below.
2. This debt is for taxes due under the Internal Revenue laws of the United States as follows:

[illegible]

3. No part of this debt has been paid, and it is now due and payable to the United States Treasury at the Office of Internal Revenue Service;
4. Except for the statutory tax liens that arose on the above dates, the United States does not hold, to the deponent's knowledge or belief, any security for this debt;
5. No note or other negotiable instrument has been received for this debt or any part of it, nor has any judgment been rendered with respect to this debt; and
6. This debt has priority and must be paid in full in advance of distribution to creditors to the extent provided by law: See 31 U.S.C. Section 3713(a). Any executor, administrator, or other person who fails to pay the claims of the United States in accordance with its priority may become personally liable for this debt under 31 U.S.C. Section 3713(b).

(Notarize or witness if court requires)

Subscribed and Sworn to Before Me On

Month _____ Day _____ Year _____

Signature

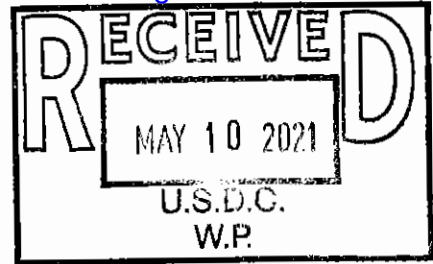
Title

ID Number

Telephone Number

Address

JOHN VIDUREK, KIMBERLY VIDUREK, AND JAMES VIDUREK
1 South Drive, Hyde Park, New York, 12539
Phone (845) 229-0350, Fax (888) 891-8977;



**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**CASE NO. 7:20-CV-06714 cs
ACTION AT LAW – COURT OF RECORD**

JOHN VIDUREK, ET AL, PLAINTIFFS, IN PRO PER

-v-

Steve Douglas CEO, CBE Group
PO Box 126 Waterloo, IA 50704

Mike Frost CLO, CBE Group
PO Box 126 Waterloo, IA 50704

Kamm "Randy" VP, CCO, CBE Group
PO Box 126 Waterloo, IA 50704

CBE Group Inc.
PO Box 126 Waterloo, IA 50704

N Cassadine, DOT Small Business
J Melendez, Taxpayer Advocate Service
Susan Lamastro, DOT, IRS
Jeanette Willet, DOT Small Business
Frank J Chan, IRS ACS Correspondence
Charles P. Rettig, IRS
Bobbi S Martin, DOT, IRS

Lippes Mathias Wexler Friedman LLP
Brendan H. Little
50 Fountain Plaza, Suite 1700
Buffalo, NY. 14202
Phone (716) 853-5100
Fax (716) 853-5199

Represented by Brandon H Cowart,
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Defendants

John E. Vidurek
1 South Dr.
Hyde Park, NY 12538

CERTIFIED MAIL®



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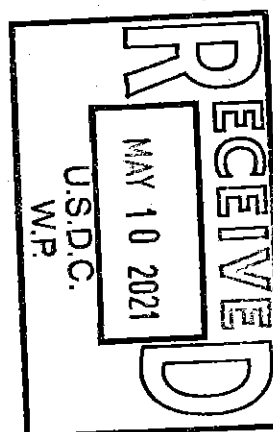
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FORM LETTER
HYDE PARK, NY
12538
MAY 05, 21
AMOUNT

\$4.15

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USDC
SDNY

US District Court for the
Southern District of New York
300 Quarropas Street
White Plains, NY 10601



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